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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

19-cr-472 (PAC)

5 SALVATORE TAGLIAFERRO,

6 Defendant.

Conference

7 -----x

8 New York, N.Y.

9 April 12, 2021

12:05 p.m.

10 Before:

11 HON. PAUL A. CROTTY

12 District Judge

13  
14 APPEARANCES

15 AUDREY STRAUSS

16 United States Attorney for the  
Southern District of New York

17 BY: JARROD L. SCHAEFFER

THOMAS McKAY

Assistant United States Attorneys

18 MICHAEL K. BACHRACH

19 Attorney for Defendant

-and-

20 LAW OFFICES OF SUSAN G. KELLMAN

Attorneys for Defendant

21 BY: SUSAN G. KELLMAN

22 Also Present: Annie Phiifer

23 Paralegal

24 U.S. Attorney's Office

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(Case called)

THE CLERK: Counsel for the government, please state your appearance.

MR. McKAY: Good afternoon, your Honor. Thomas McKay and Jarrod Schaeffer for the government. We're joined at counsel table by Paralegal Specialist Annie Phifer.

THE COURT: Good afternoon.

MR. BACHRACH: Good afternoon, your Honor. Michael Bachrach and Susan Kellman for the defendant Salvatore Tagliaferro.

THE COURT: Ms. Kellman, how are you?

MS. KELLMAN: Very good. Thank you, Judge. Good afternoon.

THE COURT: Mr. Tagliaferro, please keep your mask on. Does the government want to take up anything?

MR. McKAY: No, your Honor. We have no issues to raise at this time.

THE COURT: Mr. Bachrach?

MR. BACHRACH: No, your Honor, nothing.

THE COURT: I've got a few things I want to clear up. I sent around my preliminary instructions a couple weeks ago. I haven't gotten any comments. Does anybody intend to comment on them?

MR. McKAY: We have reviewed them and have no objections, your Honor.

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1 MR. BACHRACH: Your Honor, there was one word I think  
2 we wanted to ask be deleted. I don't have it with me, but I  
3 can send you a letter by the end of today.

4 THE COURT: OK. That's fine.

5 With regard to the trial schedule, I think I've  
6 already said this, but jury selection will take place on  
7 Tuesday the 20th. Hopefully we'll get it done on Tuesday the  
8 20th. That will leave three days for trial, openings and  
9 trial, the 21st, the 22nd, and the 23rd.

10 The following week we'll be working Monday through  
11 Thursday. And hopefully this case will be done by Thursday of  
12 next week. The first week is jury selection on Tuesday, the  
13 20th, followed by openings and presentation of the government's  
14 case, which ought to take the full week.

15 I sent around the indictment, which is going to go in  
16 to the jury for consideration, and the government has dropped  
17 Counts Four and Five. Is there anything else that  
18 Mr. Tagliaferro wants to bring up?

19 MR. McKAY: Your Honor, if I may just to clarify one  
20 thing, we submitted to the Court a version of the indictment  
21 that drops Counts Four and Five, but also drops a speaking  
22 allegation that just included the charging language of Counts  
23 One through Three.

24 THE COURT: Mr. Bachrach?

25 MR. BACHRACH: Yes. That's correct, your Honor. We

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1 reviewed their proposal and have no objection.

2 THE COURT: The government's submission is agreeable  
3 to both sides. Correct?

4 MR. BACHRACH: Yes, your Honor.

5 THE COURT: I have considered and thank the parties  
6 for their suggestions on voir dire. I have incorporated those  
7 that I think are relevant, and not included those that I  
8 thought were irrelevant or went too far.

9 We need a verdict sheet, and the parties are going to  
10 work on that jointly?

11 MR. McKAY: Yes. We will, your Honor.

12 MR. BACHRACH: We will, your Honor.

13 THE COURT: When could I expect that?

14 MR. McKAY: Your Honor, it shouldn't take very long at  
15 all. So we're happy to send it in to the Court no later than  
16 the end of this week, if that's --

17 THE COURT: That would be fine.

18 When are we going to get the 3500 material, Mr. McKay?

19 MR. McKAY: Your Honor, we have binders of the 3500  
20 materials for the testing witnesses, for the Court, and for  
21 defense counsel here today, and we'll give those to you today.  
22 I'll note for the record that we've produced the 3500 for those  
23 witnesses as well as nontestifying witnesses to the defense  
24 considerably before today. But the binders we're getting to  
25 the Court today.

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1 THE COURT: How many testifying witnesses do you  
2 anticipate?

3 MR. McKAY: Right now we anticipate nine witnesses.

4 THE COURT: OK.

5 MR. McKAY: And, Judge, I will also note that we have  
6 binders for the Court and defense counsel of all of the  
7 government exhibits that we currently intend to introduce.  
8 We'll give those to the Court today.

9 THE COURT: All right. My courtroom deputy,  
10 Mr. Gonzalez, is available for a tour of the trial courtroom.  
11 Is it 26D?

12 THE CLERK: Yes, Judge.

13 THE COURT: 26D. That will take place right after we  
14 adjourn here.

15 If there's nothing else to do, we'll adjourn now.

16 I have an affidavit here of financial need.

17 OK. This is a financial affidavit, which I have  
18 approved. It will be docketed.

19 MR. BACHRACH: Thank you, your Honor.

20 MS. KELLMAN: Thank you, Judge.

21 THE COURT: Anything else?

22 MR. McKAY: Judge, can we just confirm, are we still  
23 sitting, I believe, starting at 9:45, the schedule that you  
24 described earlier?

25 THE COURT: Yes. 9:45 to 3:45.

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1 MR. McKAY: Thank you.

2 THE COURT: I am told that 15-minute breaks, because  
3 of the transportation up and down in the elevators, are running  
4 around 30 minutes. So we'll try to do it for 15 minutes, but  
5 the breaks will probably be a little bit longer. Lunch is  
6 running a little bit longer as well. So you've got to factor  
7 that into your planning of the trial day.

8 All right. If there's nothing else, the matter is  
9 adjourned.

10 (Adjourned)